UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte FERDINAND HENDRIKS, ZON-YIN SHAE, BELLE L. TSENG and XIPING WANG

Appeal No. 2006-3392
Application No. 09/642,531

ON BRIEF

Before HAIRSTON, BARRY, and BLANKENSHIP, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

This is an appeal from the final rejection of claims 1 through 23.

The disclosed invention relates to a method and apparatus for use in a distributed collaborative system with two or more collaborative computing devices coupled via a communication network, and executing a collaborative application thereon. During the execution of the collaborative application, the method and system uses a unique identifier to associate a user in the collaboration with the content placed by the user in the collaborative session.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A method for use in a distributed collaborative computing system with two or more collaborative computing devices coupled via a communication network and respectively executing a collaborative application thereon, the method comprising the steps of:

associating one or more identifiers with data units respectively entered by one or more users at at least one of the two or more collaborative computing devices so that data entered by the one or more users in uniquely identifiable in the distributed collaborative computing system; and

storing the data units and the one or more associated unique identifiers, the stored data units and associated unique identifier being accessible to the two or more collaborative computing devices in the distributed collaborative computing system in accordance with the collaborative application.

The references relied on by the examiner are:

Piosenka et al. (Piosenka)	4,993,068	Feb. 12, 1991
Penzias	5,577,120	Nov. 19, 1996

Claims 3 and 13 stand rejected under 35 U.S.C. § 101 as being inoperative and lacking utility.

Claims 1, 4 through 9, 11 and 14 through 23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Penzias.

Claims 2, 10 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Penzias in view of Piosenka.

Reference is made to the briefs and the answer for the respective positions of the appellants and the examiner.

OPINION

We have carefully considered the entire record before us, and we will reverse the 35 U.S.C. § 101 rejection of claims 3 and 13, reverse the 35 U.S.C. § 102(b) rejection of claims 1, 4 through 9, 11 and 14 through 23, and reverse the 35 U.S.C. § 103(a) rejection of claims 2, 10 and 12.

Turning first to the rejection of claims 3 and 13 under 35 U.S.C. § 101, the examiner questions how identifiers can be "assigned to a user before the user enters data or establishes an association with the computing devices" (answer, page 3). According to the examiner (answer, page 3), "[t]he user would be unknown at this point and assigning and [sic, an] identifier to this user would not be possible." Appellants argue (brief, page 5) that "the system administrator could assign the identifiers to the one or more users before data units are entered by the one or more users," and that the open-ended nature of the claims "does

not exclude additional unrecited elements or method steps from the scope of the claims". In response to the examiner' statement (answer, page 6) that the appellants had failed to point out support in the specification for claims 3 and 13, appellants argue (supplemental reply brief, page 2) that:

> As far as support in the specification, firstly, an originally-filed claim may be relied upon as disclosure. Nonetheless, as illustratively described in the present specification at page 7, lines 14-17, "[t]he identification process for each user at a given location may be performed during an off-line set-up session prior to the collaboration session, or in real-time during the course of the on-line collaboration session with other collaborative computers."

The examiner's contentions to the contrary notwithstanding, if the users of the collaborative system are known before the start of the collaborative session, then we agree with the appellants that it would be possible to assign identifiers to the users before data is entered by the users. Such an assignment does not make the claims inoperative and lacking in utility. In summary, the rejection of claims 3 and 13 under 35 U.S.C. § 101 is reversed.

Anticipation is established when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention as well

as disclosing structure which is capable of performing the recited functional limitations. RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984).

The anticipation rejection of claims 1, 4 through 9, 11 and 14 through 23 is reversed because Penzias is not concerned with executing a collaborative application on collaborative computing devices coupled via a communication network. In Penzias, the use of a specially encoded transaction card to make purchases at a point-of-sale (POS) terminal is not the same as the execution of a collaborative application. As noted in the disclosure (specification, page 2), in a collaborative session "a user at a first location is able to view information written by a user at a second location." The viewing of the information is in real-time because "simultaneous contributions" are permitted by each user (specification, page 6). The details concerning the all-important second location viewing the POS transaction are missing from Penzias. Thus, the 35 U.S.C. § 102(b) rejection of claims 1, 4 through 9, 11 and 14 through 23 is reversed because Penzias does not describe all of the claimed steps and elements.

The 35 U.S.C. § 103(a) rejection of claims 2, 10 and 12 is reversed because Piosenka fails to cure the noted shortcomings in the teachings of Penzias.

DECISION

The decision of the examiner rejecting claims 3 and 13 under 35 U.S.C. § 101 is reversed. The decision of the examiner rejecting claims 1, 4 through 9, 11 and 14 through 23 under 35 U.S.C. § 102(b) is reversed, and the decision of the examiner rejecting claims 2, 10 and 12 under 35 U.S.C. § 103(a) is reversed.

REVERSED

KENNETH W. HAIRSTON)
Administrative Patent Judge)
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) BOARD OF PATENT
LANCE LEONDARD BARRY)
Administrative Patent Judge) APPEALS AND
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